

REMARKS

I. Drawings

Figures 17, 18 and 20 were objected to as being informal. Formal replacement sheets are provided herewith. No new matter added.

II. Double Patenting

Claims 1-18 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting. A terminal disclaimer to obviate a provisional double patenting rejection is provided herewith to overcome the provisional double patenting rejections.

III. The 35 U.S.C. §112 Rejections

Claims 4 and 13 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for insufficient antecedent basis. Claims 4 and 13 have been amended to overcome the 112 rejections.

IV. The 35 U.S.C. §102 Rejections

Claims 1-18 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,651,141, issued to Adrangi ("ADRANGI").

The Examiner acknowledged in the office action that ADRANGI does not specifically disclose the claim language of "cache benefit index" in independent claims 1 and 10. The Examiner cited a "popularity value" in ADRANGI as allegedly disclosing the "cache benefit index" recited in claims 1 and 10.

Claims 1 and 10 have been amended to recite additional limitations regarding the cache benefit index. Specifically, the cache benefit index represents a total traffic volume saved between a remote server or a gateway and a mobile device.¹ The

¹ This limitation is explicitly supported on page 11 of the Specification. No new matter added.

popularity value in ADRAGI represents the popularity of a file² (e.g., based on the number of requests for that file) and does not represent any total traffic volume saved.

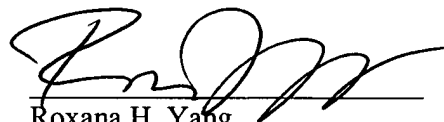
Based on the foregoing, Applicant respectfully submits that claims 1-18 are now in condition for allowance.

V. Conclusion

In view of the foregoing, it is respectfully submitted that the application is now in condition for allowance. Should the Examiner believe that a telephone interview would help advance the prosecution of this case, the Examiner is requested to contact the undersigned attorney.

Respectfully submitted,

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² "In one embodiment, a base popularity vale ... is computed as follows: Popularity = Number of Requests/Elapsed Time (i.e., where Elapsed Time is the time from the first request until the time of the popularity computation)." ADRANGI, col. 5, lines 51-55.